

SERVICE DATE – AUGUST 15, 2008

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-515 (Sub-No. 2)**

**Central Oregon & Pacific Railroad, Inc. – Abandonment and Discontinuance of Service -  
In Coos, Douglas, and Lane Counties, OR**

**BACKGROUND**

In this proceeding, Central Oregon & Pacific Railroad, Inc. (CORP) filed an application under 49 U.S.C. 10903 for permission to abandon and discontinue service over portions of a rail line known as the Coos Bay Subdivision. CORP seeks authority to abandon certain portions of the Coos Bay Subdivision that it owns, specifically the line extending from milepost 669.0 near Vaughn to milepost 763.13 near Cordes, a distance of 94.13 miles in Coos, Douglas, and Lane Counties, Oregon. If abandonment authority is granted, CORP will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

CORP also seeks authority to discontinue service over the portions of the Coos Bay Subdivision that it leases:<sup>1</sup> (1) the Coquille Branch extending from milepost 763.13 near Cordes to milepost 785.5 near Coquille, a distance of 22.37 miles, in Coos County; and (2) the LPN Branch extending between CORP milepost 738.8 and LPN Branch milepost 2.0, a distance of 2.0 miles, in Douglas County.<sup>2</sup> A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA).

***Related Actions***

The Coos Bay Subdivision also consists of CORP's line between Vaughn and Eugene, Oregon. CORP does not propose to abandon this rail segment. A feeder line application to purchase the Coos Bay Subdivision has been filed in STB Finance Docket No. 35160, Oregon International Port of Coos Bay – Feeder Line Application – Coos Bay Line of the Central

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<sup>1</sup> CORP leases the Coquille Branch from the Union Pacific Railroad Company and leases the LPN Branch from Longview, Portland & Northern Railway Company.

<sup>2</sup> Unless otherwise indicated, the portion of the line that CORP seeks to abandon and the portion of the line that it seeks to discontinue service over will be referred to together as the "line."

Oregon & Pacific Railroad, Inc. The feeder line program provides for the forced sale of rail lines to financially responsible parties willing to provide service and was established by Congress to enable shippers and communities to rescue rail lines that would otherwise likely be abandoned or over which rail service is inadequate. See 49 U.S.C. 10907.

## **ENVIRONMENTAL REVIEW**

The Environmental Report was served on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].<sup>3</sup> The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

CORP states that a total of 5,193 carloads were shipped over the line in 2005, 5,363 carloads in 2006, and 4,018 carloads in 2007. In September 2007, the line was embargoed due to safety concerns with three tunnels on the line. These tunnels include: 1) Tunnel 13, which is located between Milepost 669.47 and 669.94; 2) Tunnel 15, near Florence; and 3) Tunnel 18, which is located between Milepost 734.48 and 734.77. In general, tunnel support has deteriorated and several locations within each of the three tunnels are considered unsafe and require repair. There has been no traffic on the line since the embargo.

Due to the embargo, shippers located on the line have been moving their goods by modes of transportation other than direct rail service, such as truck and barge service, since September 2007. The following analysis assumes that all goods would be shipped via truck in the event that the abandonment is approved.

CORP states that 4,773 carloads were moved over the line in the base year (September 2006 to August 2007).<sup>4</sup> The majority of those shipments, approximately 95 percent, consisted of lumber and forest products. The shipments also included 40 carloads of scrap metal and 14 carloads of propane. Because CORP moved such a small amount of these commodities, SEA has determined that the proposed project would not have a significant adverse impact on the development, use, and transportation of energy resources or the transportation of recyclable commodities, hazardous materials, or ozone-depleting materials.

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<sup>3</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-515 (Sub-No. 2).

<sup>4</sup> Because no traffic has moved over the line since the embargo in September 2007, SEA is using the period between September 2006 and August 2007 as the base year. Although the Environmental Report states that there were 4,707 carloads during the base year, a representative for CORP confirmed that there were 4,773 carloads during that time period.

Using a rail-to-truck conversion factor of four trucks per railcar,<sup>5</sup> SEA calculates that, if all the rail traffic is diverted to truck traffic, the proposed abandonment would generate an estimated 19,092 new trucks per year (38,184 truck trips assuming an empty backhaul). Based on a 240 day work year, SEA calculates that 38,184 truck trips would add approximately 159 new trucks per day on area roads,<sup>6</sup> and an increase of 159 trucks would equal approximately four percent of the current annual traffic on U.S. Highway 101 at the Lane-Douglas County line, which has an average of 4,000 vehicles per day.<sup>7</sup> SEA arrived at this calculation based on information provided in the Environmental Report submitted by CORP, as well as information available on the Oregon Department of Transportation's website.

### ***Transportation Impacts***

The proposed abandonment and discontinuance of service would result in an overall increase in energy consumption because trucks are generally less fuel efficient than trains. CORP states that the proposed project would result in the diversion of more than 1,000 rail carloads per year. Under the Board's environmental regulations at 49 CFR 1107(e)(4)(iv)(A), if the proposed action will cause diversions from rail to motor carriage of more than 1,000 rail carloads per year, then the resulting net change in energy consumption must be quantified. As stated above, the 4,773 rail carloads from the base year would be diverted to 19,092 loaded trucks and 19,092 empty trucks. CORP calculates that the loaded trucks would consume 492,149 gallons of diesel fuel based on 19,092 truckloads times 116 miles<sup>8</sup> divided by 4.5 miles per gallon. The empty trucks would consume 340,719 gallons of diesel fuel based on 19,092 truckloads times 116 miles divided by 6.5 miles per gallon. Because CORP consumed approximately 305,000 gallons of diesel fuel in the base year handling the 4,773 carloads on the line, the difference between the fuel consumed by CORP and the fuel that would be consumed by trucks would be an additional 527,868 gallons of diesel fuel per year. This amount is

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<sup>5</sup> The conversion factor is an estimate used to calculate the rail-to-truck conversion of varied commodities added to the area roadways during a 240 workday year.

<sup>6</sup> The term "area roads" includes U.S. Highway 101 and Oregon Route 126. To determine the area roads, SEA looked at maps and the CORP's Environmental Report.

<sup>7</sup> See Environmental Report, page 6, citing Oregon Department of Transportation, 2006 Traffic Volume on State Highways, available at [http://www.oregon.gov/ODOT/TD/TDATA/tsm/docs/2006\\_TVT.pdf](http://www.oregon.gov/ODOT/TD/TDATA/tsm/docs/2006_TVT.pdf).

<sup>8</sup> CORP states that the highway distance from Coos Bay to the nearest railroad transload facility (at Roseburg) is 95 miles, and a substantial portion of traffic is transloaded at Eugene, which is 116 miles from Coos Bay. SEA generally calculates vehicle miles based on the length of the line proposed for abandonment; however, for this analysis, we took a more conservative approach in calculating projected fuel use, and based the calculation on a 116-mile truck trip.

approximately 9.7 percent of the total 547 million gallons of diesel fuel consumed annually by motor carriers in the State of Oregon.<sup>9</sup>

The Board has established air quality and noise level threshold levels set forth at 49 CFR 1105.7(e)(5) and (e)(6). These thresholds are guidelines that are considered, along with other supporting information, to determine whether the air pollution and noise levels generated by rail traffic diverted to alternative modes warrants detailed analysis. The applicable threshold level when assessing air pollution is an increase an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment.

As stated above, the proposed project is likely to result in an increase of more than 50 vehicles a day on certain road segments, including U.S. Highway 101 and/or Oregon Route 126. Coos and Douglas Counties are currently in attainment with National Ambient Air Quality Standards (NAAQS). In Lane County, two areas have been designated as non-attainment for PM<sub>10</sub> (particulate matter with inhalable coarse particles that are larger than 2.5 micrometers and less than 10 micrometers in diameter) and were classified as “Moderate.”<sup>10</sup> The Eugene/Springfield urban area was designated a PM<sub>10</sub> non-attainment area in 1987, and last exceeded the standard that same year.<sup>11</sup> The City of Oakridge was designated a PM<sub>10</sub> non-attainment area in 1994, and last exceeded the standard in 1993.<sup>12</sup> Both areas currently meet the standard and are in the process of formally regaining attainment status.<sup>13</sup> In addition, CORP believes that any increase in air emissions would be within the parameters established by the State Implementation Plan (SIP). See 49 CFR 1105.7(e)(5)(ii)(C). The SIP is a plan that includes emission limitations and control measures used to attain and maintain the NAAQS. Based on the preliminary analysis, SEA has determined that there would be some minor adverse impacts on air quality as a result of the increased truck traffic. If feeder line application is consummated and rail service is restored, then the proposed rail line abandonment and the associated environmental impacts would be avoided.

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<sup>9</sup> See U.S. Department of Transportation, Bureau of Transportation Statistics’ “State Transportation Statistics 2007,” Chapter G - Energy and Environment, Table 7-4 “Motor Fuel Use: 2006” available at [www.bts.gov/publications/state\\_transportation\\_statistics/state\\_transportation\\_statistics\\_2007/html/table\\_07\\_04.html](http://www.bts.gov/publications/state_transportation_statistics/state_transportation_statistics_2007/html/table_07_04.html).

<sup>10</sup> SEA confirmed this information in an August 5, 2008 phone call with the U.S. Environmental Protection Agency’s Region 10 Office. See also U.S. Environmental Protection Agency website at <http://www.epa.gov/oar/oaqps/greenbk/5867334.html>.

<sup>11</sup> See Lane Regional Air Protection Agency, Annual Report 2007, Page 10, available at [www.lrapa.org/public\\_education/annual\\_reports/downloads/2007\\_annual\\_report.pdf](http://www.lrapa.org/public_education/annual_reports/downloads/2007_annual_report.pdf).

<sup>12</sup> Id.

<sup>13</sup> Id.

Noise disturbances during the proposed salvage operations would be short-term. The major noise source would be additional truck traffic on local roads. SEA conservatively estimates that, during a 16 hour workday with two shifts, an additional 9.9 trucks per hour would travel on area roadways. The resulting increase in noise levels would not exceed the Board's noise thresholds under 49 CFR 1105.7(6). Accordingly, the increase in noise would not have a significant adverse effect.

CORP indicates that alternative modes of transportation are available for commodity transport, including direct truck service on U.S. Highway 101 and Oregon Route 126; rail-to-truck transload service from facilities at Roseburg, Eugene, Green, and Dillard; and barge or water transportation service at the Port of Coos Bay. Although any future shipments would not be expected to be substantially inhibited by the loss of the line because of the availability of other modes of transportation, greater demands would be placed on the existing roadways and transportation system. The additional truck traffic could result in some adverse impacts to local roads, highway infrastructure, and road safety.

U.S. Highway 101 is often the main street through many coastal towns in Oregon, including the City of Florence. For most of its length, U.S. Highway 101 is generally a two-lane undivided highway. Many parts of the highway are subject to closure due to landslides caused by excessive rainfall, and in many parts of the coast, U.S. Highway 101 is the only viable route connecting certain coastal communities. When landslides block the highway, the detour requires traveling inland to Interstate 5 and then back again. Oregon Route 126, a state highway, is also a two-lane undivided highway.

Based on preliminary analysis, however, we have determined that impacts to local roads, highway infrastructure, and road safety would not be significant. SEA has added the Oregon Department of Transportation to the service list and welcomes any comment that they have on this issue.

### ***Salvage Activities***

CORP states that the areas that the rail line passes through are primarily rural, but the line also passes through the communities of North Bend, Reedsport, Florence, Coquille, Lakeside, Coos Bay, Coquille, Cedar Point, Coaledo, Green Acres, Hayden, Millington, Hauser, East Gardiner, Franz, Siltcoos, Westlake, Canary, Cushman, Tiernan, Mapleton, Brickerville, Rainrock, Swisshome, and Richardson. The right-of-way is generally 100 feet wide. The proposed abandonment would allow for the elimination of 17 public road crossings and 77 private road crossings, and the proposed discontinuance of service would allow CORP to stop operating 24 public road crossings and more than 47 private road crossings.

The line crosses a number of waterways, including: Davis Slough, Shinglehouse Slough, Coalbank Slough, Coos Bay, Saunders Lake, Tenmile Creek, North Tenmile Lake, Blacks Arm Bay, Blacks Creek, Wind Creek, Scholfield Creek, Umpqua River, Frantz Creek, Tahkenitch Lake, North Arm, Catfish Cove, Lane Creek, Fiddle Creek, Siltcoos Lake, Carle Creek, South Slough, Siuslaw River, Lake Creek, and Wildcat Creek. CORP states that there are 90 bridges

and eight tunnels on the portion of the line that is proposed for abandonment, but CORP does not plan to remove any bridges as part of the proposed project.

For the portion of the line that CORP seeks authority to abandon, CORP plans to salvage track materials and dispose of the underlying real estate. The right-of-way and existing private and public roads would be used for access to remove track materials, and no new access roads are contemplated. CORP also states that it does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or soil erosion. In addition, CORP does not anticipate any dredging or use of fill in the removal of track material. Crossties and debris would be transported away from the line and would not be discarded along the right-of-way, in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures would be taken to prevent or control spills from fuels, lubricants, and any other pollutant materials from entering any waterways. For the portion of the line that CORP seeks authority to discontinue service over, there would be no salvage of any track materials or disturbance of any of the surrounding area.

In an August 4, 2008, phone call with SEA, Simon Monroe at the National Geodetic Survey (NGS) stated that, because of the length of the line, it is likely that geodetic station markers would be affected by the proposed project. Accordingly, SEA recommends a condition requiring CORP to notify NGS at least 90 days prior to beginning any salvage activities that will disturb or destroy any geodetic station marker in order to plan for the possible relocation of the marker by NGS.

As of the date of this Environmental Assessment, the Natural Resources Conservation Service (NRCS) had not submitted comments. Because the line passes through rural areas, SEA has included the NRCS Roseburg Field Office on the service list for this proceeding to ensure that they receive a copy of this EA.

The line is located within the Oregon coastal zone, and CORP states that it will adapt its salvage plan for the line to comply with the Oregon Coastal Management Program. Accordingly, SEA recommends that, prior to beginning any salvage activities, CORP consult with Oregon's Coastal Management Program staff members Dave Perry at (541) 270-3279 and John Ritz at (541) 601-9659 to determine whether state coastal management consistency certification is required. If consistency certification is required, we recommend that CORP be prohibited from performing any salvage activities until it obtains consistency certification and then notify SEA in writing, pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 et seq) and the Board's environmental regulations at 49 CFR 1105.9.

As stated above, CORP does not plan to remove the bridges on the line and does not anticipate any dredging or use of fill in the removal of track material. In addition, crossties and debris would be transported away from the line and would not be discarded along the right-of-way, in streams or wetlands, or along the banks of such waterways. However, because the line crosses a number of waterways, SEA recommends that, prior to commencement of any salvage activities, the railroad consult with the U.S. Army Corps of Engineers' Portland District (Corps) regarding its requirements and, if applicable, comply with the reasonable requirements of the

Corps. We also recommend that the railroad report the results of these consultations in writing to SEA prior to the onset of salvage operations.

The Oregon Department of Environmental Quality (DEQ) submitted comments and expressed concern regarding air quality impacts resulting from the diversion of rail shipments to truck transportation, and estimated that over 500,000 additional gallons of diesel fuel would be consumed as a result of the proposed project. DEQ states that “no regulatory authority is triggered” but it is concerned about particulate, hazardous air pollutant, and greenhouse gas emissions. Air quality is discussed above in the section titled “Transportation Impacts,” and SEA has determined that there would be some minor adverse impacts on air quality as a result of the increased truck traffic.

DEQ also expressed concerns regarding compliance with the National Pollution Discharge Elimination System (NPDES) and Clean Water Act (CWA) requirements, as well as, proper waste management for material removed from the right-of-way, particularly railroad ties. To ensure appropriate consideration of the NPDES and CWA requirements, we recommend that CORP consult with DEQ prior to commencement of any salvage activities and comply with the reasonable NPDES and CWA requirements. In addition, we recommend that CORP consult with DEQ, prior to commencement of any salvage activities, in order to discuss DEQ’s concerns regarding proper disposal of waste and demolition material. We also recommend that the railroad report the results of these consultations in writing to SEA prior to the onset of salvage operations.

At the time of this EA, the U.S. Environmental Protection Agency (USEPA) had not submitted comments. SEA has included the USEPA on the service list for this proceeding to ensure that they receive a copy of this EA.

The Oregon Department of State Lands (DSL) submitted comments and expressed concern regarding the removal of bridges at water crossings, restoration of water banks, and culvert maintenance. This issue is addressed below in the section titled “Additional Comments.” DSL also expressed concerns regarding erosion and sedimentation and recommended that CORP revegetate disturbed areas with native species in order to protect habitat and to prevent the growth of invasive and noxious weeds. In addition, DSL stated that portions of the line are located on state-owned land, and it is concerned about liability (contamination, safety, and access) associated with the condition of state-owned land and structures. Based on the comments and concerns of DSL, we recommend that CORP: 1) revegetate disturbed areas with native species and 2) consult with DSL’s Wetlands and Waterways Conservation Division prior to commencement of any salvage activities in order to discuss DSL’s concerns regarding the abandonment (erosion and sedimentation control plan; bridge and culvert maintenance; and the safety and condition of land and structures on any state-owned land). We also recommend that the railroad report the results of these consultations in writing to SEA prior to the onset of salvage operations.

At the time of this EA, the U.S. Department of Fish and Wildlife (USFWS) had not submitted comments. Based on information provided on the USFWS website,<sup>14</sup> SEA determined that the following Federally-listed threatened or endangered species may occur in the area of the proposed project: Canada lynx (*Lynx Canadensis*), Marbled murrelet (*Brachyramphus marmoratus*), Western snowy (coastal) plover (*Charadrius alexandrinus nivosus*), Brown pelican (*Pelecanus occidentalis*), Short-tailed albatross (*Phoebastria albatrus*), Northern spotted owl (*Strix occidentalis caurina*), Oregon chub (*Oregonichthys crameri*), Bull trout (*Salvelinus confluentus*), Oregon silverspot butterfly (*Speyeria zerene hippolyta*), Gentner's fritillary (*Fritillaria gentneri*), Western lily (*Lilium occidentale*), Bradshaw's desert parsley (*Lomatium bradshawii*), Kincaid's lupine (*Lupinus sulphureus ssp. Kincaidii*), Rough popcornflower (*Plagiobothrys hirtus*), and Nelson's checker-mallow (*Sidalcea nelsoniana*). Accordingly, prior to commencement of any salvage activities, SEA recommends that CORP consult with USFWS regarding potential impacts from salvaging activities to Federally-listed threatened and endangered species that may occur in the vicinity of the line. We also recommend that CORP report the results of these consultations in writing to SEA prior to the commencement of salvage operations.

The line is near or adjacent to the Siuslaw National Forest, the Oregon Dunes National Recreation Area, the Siuslaw River Sport Fishery, and the Coos Bay Estuary, which is a nursery to many fish species. Accordingly, SEA has included the National Parks Service (NPS), Siuslaw National Forest, and the Pacific Fishery Management Council on the service list for this proceeding to ensure that they receive a copy of this EA.

In the Environmental Report, CORP states that, on May 15, 2008, a transformer was vandalized and oil was released at milepost 727.7, near Ada, Oregon. According to CORP, contaminated soil was removed from the site. There are no other known hazardous waste sites or sites where hazardous material spills have occurred on or along the rail corridor.

Based on all information available to date, SEA has determined that the proposed project, in particular the diversion of rail traffic to truck traffic, would result in some minor adverse impacts on air quality. SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following groups and agencies for review and comment: NRCS; Corps; USEPA; USFWS; NPS; Siuslaw National Forest; and the Pacific Fishery Management Council.

### ***Trails Use***

CORP does not believe that the right-of-way is suitable for public use but states that it could be used for a recreational trail. SEA notes that the National Trails System Act (Trails Act), 16 U.S.C. 1247(d), gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad right-of-way that otherwise would be

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<sup>14</sup> See the USFWS website at <http://www.fws.gov/oregonfwo/Species/Data/>.



abandoned.<sup>15</sup> The Trails Act is intended to preserve railroad rights-of-way for future railroad use. Under the Trails Act and the Board's implementing procedures (49 CFR 1152.29), a state or local government or private organization can request a trail condition. This process allows railroad rights-of-way to be preserved by allowing interim trail use on lines that otherwise would be abandoned.

### ***Additional Comments***

The City of North Bend submitted comments regarding the impacts that the proposed project would have on the local economy; traffic; and air quality. The City expressed concern regarding the impact that the proposed abandonment and discontinuance of service would have on its economy and stated that shippers located on the line have employed many of its residents. Additionally, the City of North Bend stated that an increase in truck traffic on U.S. Highway 101 would have a negative impact on the quality of life in North Bend and would impact traffic safety, noise, and air pollution.

The Port of Siuslaw also submitted comments regarding the impacts that the proposed project would have on the local economy; traffic; and air quality. The Port stated that an increase in truck traffic on U.S. Highway 101 would have a negative impact on the quality of life in Florence and would impact traffic safety, noise, and air pollution. Furthermore, the Port stated that Oregon Route 126 is in a "degraded condition," which would be exacerbated by an increase in truck traffic. In addition, the Port of Siuslaw owns a 40 acre parcel of land in the City of Florence and it believes that rail service could be a key factor in attracting businesses to a comparatively disadvantaged part of Lane County.

The City of Coos Bay submitted comments stating that an increase in truck traffic on U.S. Highway 101 would have a negative impact on the quality of life in North Bend and would impact traffic safety, noise, and air pollution. In addition, both the City of Coos Bay and the City of North Bend expressed concerns regarding the Coos Bay Estuary and the potential impact that the proposed project could have on Federally-listed threatened or endangered species, as well as the erosion and sedimentation that could result from salvage activities in the vicinity of river banks, stream banks, and the estuary.

The Port of Siuslaw, the City of North Bend, the City of Coos Bay, and DSL all submitted comments regarding bridges on the line, in particular the bridges located at water crossings. The Port of Siuslaw and the City of North Bend expressed concern that the removal of bridges, particularly the Coos Bay rail bridge and the rail bridge over the Siuslaw River, could have a negative impact on local tourism, fishing, fish species, and water quality. The City of Coos Bay also expressed concern that bridge removal would have a negative impact on fish

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<sup>15</sup> The Board does not conduct an environmental review of a potential conversion to interim rail use/railbanking because it does not exercise sufficient Federal control so as to qualify as a "major Federal action" under NEPA. Only major actions by Federal agencies require environmental review.

species and water quality. DSL indicated that removal of bridges at water crossings, restoration of water banks, and culvert maintenance would be necessary to avoid undue environmental impacts. In addition, DEQ expressed general concern that stream crossings and culverts be maintained adequately to decrease the potential for water quality pollution associated with erosion. As stated above, CORP does not plan to undertake any in-water work and does not plan to remove the bridges on the line.

The National Environmental Policy Act of 1969, 42 U.S.C. 4321-43 (NEPA), requires the Board to consider the environmental consequences of actions such as its authorization of abandonment of railroad lines. It is well settled that in conducting environmental review of abandonment cases, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency, e.g., the likely diversion of traffic to other lines or transportation modes and the likely disruptive consequences of removing the track and related structures. Iowa Southern R. Co.-Exemption-Abandonment, 5 I.C.C.2d 496, 501 (1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8<sup>th</sup> Cir. 1990).

The Board does not typically require the removal of railroad bridges and other structures when a line is approved for abandonment. Bridges would be required for continued rail service under an Offer of Financial Assistance (OFA) under 49 U.S.C. 10904, and bridges can also be an important component of rail banking lines approved for abandonment under the Trails Act. In the event that an OFA is made in this case, the new operator would be responsible for maintaining the line and the structures on it. In the event that the railroad right-of-way is converted to interim trail use/rail banking pursuant to the Trails Act, the trail sponsor would assume responsibility for the property for the duration of interim trails use. And, as noted above, a feeder line application to purchase the Coos Bay Subdivision has been filed. Accordingly, it would not be appropriate or consistent with Board precedent for SEA to recommend a condition regarding bridge removal or responsibility for maintenance. However, prior to commencement of any salvage activities, we recommend that CORP contact DSL, the Port of Siuslaw, the City of North Bend, the City of Coos Bay, and DEQ in order to discuss their concerns regarding the bridges and culverts on the line, as well as their concerns regarding salvage activities (erosion control plan; plan for waste and demolition material disposal, specifically the removal of tracks in the vicinity of water crossings; and habitat and estuary protection). We also recommend that the railroad report the results of these consultations in writing to SEA prior to the commencement of salvage operations.

## **HISTORIC REVIEW**

CORP submitted an Historic Report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Oregon Parks and Recreation Department's State Historic Preservation Office (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The line was originally constructed in 1916, and Reedsport, one of the communities that the line passes through, was originally created as a camp for railroad construction workers. A significant number of bridges and tunnels on the line are 50 years old or older, and the Coos Bay Bridge in North Bend is listed on the National Register of Historic Places (National Register). As stated above, CORP does not plan to remove any bridges as part of the proposed project.

At the time of this EA, the SHPO had not submitted comments and, therefore, SEA has not been able to consider the SHPO's opinion before determining whether the proposed project could affect historic properties. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally-recognized tribes, which may have ancestral connections to the project area. The database indicated that the following Federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect) of the proposed project: Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon; Coquille Tribe of Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Confederated Tribes of the Colville Reservation, Washington; Coquille Tribe of Oregon; Cow Creek Band of Umpqua Indians of Oregon; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Klamath Tribes, Oregon; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Walker River Paiute Tribe of the Walker River Reservation, Nevada; Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada. Accordingly, SEA is sending a copy of this EA to the above-listed tribes for review and comment.

## **CONDITIONS**

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Central Oregon & Pacific Railroad, Inc. shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning any salvage activities that will disturb or destroy any geodetic station marker in order to plan for the possible relocation of the marker by NGS.
2. Prior to beginning any salvage activities, Central Oregon & Pacific Railroad, Inc. (CORP) shall consult with Oregon's Coastal Management Program staff members Dave Perry at (541) 270-3279 and John Ritz at (541) 601-9659 to determine whether state coastal management consistency certification is required. If consistency certification is required, CORP shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify the Board's Section of Environmental Analysis in writing, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq., and the Board's environmental regulations at 49 CFR 1105.9.
3. Prior to commencement of any salvage activities, Central Oregon & Pacific Railroad, Inc. shall consult with the U.S. Army Corps of Engineers' Portland District (Corps) regarding its requirements and, if applicable, shall comply with the reasonable requirements of the

Corps. The railroad shall report the results of these consultations in writing to the Board's Section of Environmental Analysis prior to the onset of salvage operations.

4. To ensure appropriate consideration of the National Pollution Discharge Elimination System (NPDES) and Clean Water Act (CWA) requirements, Central Oregon & Pacific Railroad, Inc. (CORP) shall consult with the Oregon Department of Environmental Quality prior to commencement of any salvage activities and shall comply with the reasonable NPDES requirements. CORP shall report the results of these consultations in writing to the Board's Section of Environmental Analysis prior to the onset of salvage operations.
5. Central Oregon & Pacific Railroad, Inc. (CORP) shall consult with Oregon Department of Environmental Quality (DEQ) prior to commencement of any salvage activities, in order to discuss DEQ's concerns regarding proper disposal of waste and demolition material. CORP shall report the results of these consultations in writing to the Board's Section of Environmental Analysis prior to the onset of salvage operations.
6. Based on the comments and concerns of the Oregon Department of State Lands (DSL), Central Oregon & Pacific Railroad, Inc. (CORP) shall: 1) revegetate disturbed areas with native species and 2) consult with DSL's Wetlands and Waterways Conservation Division prior to commencement of any salvage activities, in order to discuss DSL's concerns regarding the abandonment (erosion and sedimentation control plan; bridge and culvert maintenance; and the safety and condition of land and structures on any state-owned land). CORP shall report the results of these consultations in writing to the Board's Section of Environmental Analysis prior to the onset of salvage operations.
7. Prior to commencement of any salvage activities, Central Oregon & Pacific Railroad, Inc. (CORP) shall consult with the U.S. Fish and Wildlife Service regarding potential impacts from salvaging activities to Federally-listed threatened and endangered species that may occur in the vicinity of the line. CORP shall report the results of these consultations in writing to the Board's Section of Environmental Analysis prior to the commencement of salvage operations.
8. Central Oregon & Pacific Railroad, Inc. (CORP) shall retain its interest in the portion of the line between milepost 669.0 and milepost 763.13 and shall take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. CORP shall report back to the Board's Section of Environmental Analysis regarding any consultations with the Oregon Parks and Recreation Department's State Historic Preservation Office (State Historic Preservation Office or SHPO) and the public. CORP may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

9. Prior to commencement of salvage activities, Central Oregon & Pacific Railroad, Inc. (CORP) shall contact the Oregon Department of State Lands, the Port of Siuslaw, the City of North Bend, the City of Coos Bay, and Oregon Department of Environmental Quality in order to discuss their concerns regarding the bridges and culverts on the line, as well as their concerns regarding salvage activities (erosion control plan; plan for waste and demolition material disposal, specifically the removal of tracks in the vicinity of water crossings; and habitat and estuary protection). The railroad shall report the results of these consultations in writing to the Board's Section of Environmental Analysis prior to the commencement of salvage operations.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment and discontinuance of service over the line could adversely affect the quality of the human environment.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean who prepared this EA. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-515 (Sub-No. 2) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at [christa.dean@stb.dot.gov](mailto:christa.dean@stb.dot.gov).

Date made available to the public: August 15, 2008.

**Comment due date: September 15, 2008.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan  
Acting Secretary

Attachment